

Federal Housing Finance Board

§913.6

(3) Except for disclosures made under paragraph (b)(2)(vii) of this section, make the accounting made under paragraph (c)(1) of this section available to the individual named in the record at his or her request.

(4) When a record has been amended or corrected or when a statement of disagreement has been filed, the Finance Board will advise all prior recipients of the affected record whose identities may be determined pursuant to the disclosure accountings required by the Privacy Act or any other accounting previously made, of the amendment or correction or the filing of the statement of disagreement. Any disclosure of disputed information occurring after a statement of disagreement has been filed will clearly identify the specific information disputed and be accompanied by a copy of the statement of disagreement and a copy of the statement of explanation, if any, as set forth in §913.6 of this part.

[58 FR 19205, Apr. 13, 1993, as amended at 65 FR 8259, Feb. 18, 2000]

§913.6 Procedures for requesting amendment to a record in a system of records; appeal of denials.

(a) *Scope.* This section applies only to amendment of records on an individual maintained in a Finance Board system of records used in making a determination about such individual.

(b) *Individual request.* (1) Any individual may request the Finance Board to amend any portion of a record in a designated system of records pertaining to that individual, where such portion of the record is not accurate, relevant, timely or complete.

(2) A request to amend a record pursuant to this section shall be in writing, shall identify the particular designated system of records containing the record which the individual requests to amend and the portion of that record to be amended, and shall describe the reasons for the requested amendment.

(c) *Prior proceeding.* Nothing in this section shall permit a collateral attack upon any matter decided in a prior judicial, quasi-judicial or other proceeding.

(d) *Response policy.* The Finance Board shall acknowledge, or substan-

tially reply to, if practicable, a request for amendment of records under this section.

(e) *Initial review.* (1) The Executive Secretary shall acknowledge all requests by individuals for amendment of records. The Executive Secretary shall refer all requests to the appropriate systems manager of the designated system of records containing the record to be reviewed, for disposition of the request within 10 business days of the referral. The systems manager shall promptly review the request and review the record for accuracy, relevance, timeliness, completeness or necessity.

(2) The systems manager will promptly provide to the Executive Secretary a recommendation whether the record should be amended and shall state any reasons for denying the request in any part.

(3) The Executive Secretary will promptly notify the requesting individual of his decision and reasons for any denial, and describe the individual's right to appeal any denial.

(f) *Appeal process.* (1) An individual who has been denied a request made pursuant to this section may appeal to the Board of Directors, or an official designated by the Board of Directors, within 30 business days of being notified of the denial pursuant to paragraph (e)(3) of this section.

(2) The appeal shall be in writing, shall be mailed to the Executive Secretary, and shall give the reasons why the initial determination should be overturned.

(3) The Board of Directors, or designated official, shall decide the appeal within 30 business days of its receipt by the Executive Secretary. The Board of Directors or designated official may extend the 30 day limit for good cause, after giving notice, and the reasons therefor, to the individual making the appeal.

(4) If a decision is made to affirm the initial denial of a request for a record by an individual, the Board of Directors or designated official shall notify the individual making the appeal of the decision and the reason therefor, and shall inform the individual of the right of judicial review of the appeal.

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(g) *Statements.* (1) Within 30 business days after being denied an appeal pursuant to paragraph (f) of this section, an individual may submit a concise written statement of disagreement setting forth the individual's reasons for disagreeing with the Finance Board's refusal to amend the record.

(2) Such statement shall be provided to persons or other agencies or entities to whom the record is disclosed.

(3) The Finance Board may, if deemed appropriate, prepare a concise statement of explanation of the reason(s) why the requested amendment or correction was not made. Any statement of explanation will be included in the system of records in the same manner as the statement of disagreement. A copy of the statement of explanation and of the notation of the dispute as marked on the original record will be provided to the individual who requested correction or amendment of the record.

§913.7 Fees.

The Finance Board, upon a request for records disclosable pursuant to these regulations, shall charge a fee of \$0.10 per page for duplicating, unless:

(a) The Finance Board determines that it shall grant access to the record only by making a copy thereof;

(b) The total fee will not exceed \$2.00; or

(c) The Finance Board determines, in its sole discretion, that a reduction or waiver of the fees is warranted for good cause.

§913.8 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Finance Board records on individuals under false pretenses. It provides as follows:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretense shall be guilty of a misdemeanor and fined not more than \$5,000.00.

§913.9 Exemptions.

The following information is exempt from disclosure:

(a) The Office of Inspector General Investigative Files system of records is

exempt from all sections of the Privacy Act (5 U.S.C. 552a) except the following: (b) relating to conditions of disclosure; (c) (1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4) (A) through (F) relating to publishing a system notice setting forth name, location, categories of individuals and records, routing uses and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e) (6), (7), (9), (10) and (11) relating to dissemination and maintenance of records, and relating to criminal penalties. This system of records is also exempt from §§913.3, 913.4, 913.5 (a) and (c) (3) and (4), and 913.6 of this part. This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws.

(b) To the extent that there may exist within this system of records and investigative files compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, the Inspector General Investigative Case Files system of records is exempt from the following sections of the Privacy Act (5 U.S.C. 552(a)): (c)(3) relating to access to the disclosure accounting, (d) relating to access to records, (e)(1) relating to the type of information maintained in the records; (e)(4) (G), (H) and (I) relating to publishing the system notice information as to agency procedures of access and amendment and information as to the categories of sources or records, and (f) relating to developing agency rules for gaining access and making corrections. This system of records is also exempt from §§913.3, 913.4, 913.5 (a) and (c)(3), and 913.6 of this part.

(c) Reason for exemptions. (1) The Office of Inspector General is a component of the Finance Board which performs, as its principal function, activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2). This exemption applies only to those records and information contained in the system of records pertaining to criminal investigations. This system of records is exempt for one or more of the following reasons: